

## BEST AVAILABLE COPY

Serial No. 10/677,759  
60130-1900; 01MRA0330REMARKS

Claims 1-12 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Number 2002/0074809 to Fisher in view of U.S. Patent Number 1,583,806 to Snyder. The Examiner admits that Fisher does not disclose a resilient assembly. The Examiner contends that Snyder discloses this feature, and it would be obvious to employ the resilient assembly of Snyder in Fisher to have the resilient member 28 of Fisher yieldable in a lengthwise direction under pulling and end-thrust strains for reducing incidental shock. Applicant respectfully disagrees.

The claimed invention is not obvious. There is no motivation to employ the members 1a and 2a of Snyder that form a tow rod in the lock assembly of Fisher. Fisher discloses a lock arrangement 10 including an extension spring 28 that can act as a rod of fixed length in compression and a rod of fixed length under tension when the tensile load is less than that required to separate the coils of the spring 28, following which the spring 28 becomes extensively elastic (page 1, paragraph 23). The spring 28 acts in compression as a solid rod to allow operation of an inside release handle 14 to move the inside lock lever 24 from an unlocked position (shown in Figure 1) to a locked position (shown in Figure 2) (page 2, paragraph 38). The spring 28 acts in tension as a solid rod to allow the inside lock lever 24 to be moved by the inside release handle 14 from the locked position to the unlocked position (page 2, paragraph 30). Further movement of the inside release handle 14 from the unlocked position to a release position (Figure 4) is achieved by the spring 28 extending. The spring 28 is elastic when it extends. If the spring 28 was elastic in a lengthwise direction under both pulling and end-thrust strains, the spring 28 would be elastic in both tension and compression. This would affect the function of the spring 28. If the spring 28 was elastic in both tension and compression, the inside lock lever 24 would not be accurately moveable by the inside release handle 14 between the various positions. Adding the resilient assembly of Snyder to the lock assembly of Fisher would therefore affect the way that the spring 28 functions. Snyder is also directed to a large trailer hitch or towing rod. This would not function in the small locking assembly of Fisher. The claimed invention is not obvious, and Applicant respectfully requests that the rejection be withdrawn.

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Additionally, the claimed invention is not obvious because Snyder is non-analogous art. The Examiner states that Snyder is in the analogous art of resilient assemblies. "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." In re Oetiker, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). Snyder is not analogous art to Fisher or to Applicant's invention. Snyder is not in Fisher or Applicant's field and is not reasonably pertinent to the particular problem that the Applicant has solved. Fisher is directed to a lock assembly. Applicant's invention is directed toward a door latch assembly. Snyder is directed to a tow rod for a vehicle. Thus, Snyder's field is related to a tow rod for vehicle, while Fisher and Applicant's field concern latch and lock assemblies. These fields are very different from each other. Further, each of these fields has specific and unique design criteria and component characteristics, which are not compatible with each other.

Additionally, Snyder is not reasonably pertinent to the Applicant's particular problem. A reference is reasonably pertinent if, even though it may be in a different field of endeavor, it logically would have commanded itself to an inventor's attention in considering his problem because of the matter with which it deals. In re Clay, 966 F.2d 656, 659, 23 USPQ2d 1058, 1061 (Fed. Cir. 1992). As discussed above, Snyder clearly not within the field of lock assemblies, which is the subject to which Applicant's invention is directed. Further, Snyder does not logically command itself to the attention of an inventor seeking to solve problems present in lock assemblies. This is because Snyder deals with the problem of reducing shocks incident to towing. This is far removed from Applicant's problem of moving an inside release lever 18 in a lock assembly. The claimed invention is not obvious, and Applicant respectfully requests that the rejection be withdrawn.

Thus, claims 1-12, 26, 27 and 29-32 are in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any

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additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

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Respectfully submitted,

**CARLSON, GASKEY & OLDS, P.C.**

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**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, 571-273-8300 on October 12, 2005.

Amy M. Spaulding

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